United Nations S/AC.49/2016/41

Security Council

Distr.: General
13 July 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Letter dated 12 July 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

With reference to the note verbale dated 8 July 2016 and on the instruction of my Government, I have the honour to submit to the Security Council Committee established pursuant to resolution 1718 (2006) the requested report of the Government of the Kingdom of the Netherlands on the implementation of Council resolutions 2094 (2013) and 2270 (2016) (see annex).

I would appreciate it if the present letter and its annex could be circulated as a document of the Security Council.

I would also like to take this opportunity to reaffirm our commitment to providing the Committee with any additional information that the Committee deems necessary or may request.

(*Signed*) Paul A. **Menkveld**
Chargé d'affaires a.i.

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Annex to the letter dated 12 July 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Netherlands to the United Nations addressed to the Chair of the Committee

Pursuant to paragraph 25 of Security Council resolution 2094 (2013) and paragraph 40 of resolution 2270 (2016), the steps taken by the Government of the Netherlands to implement the measures imposed by resolutions 2094 (2013) and 2270 (2016) are as follows.

The Netherlands is a co-sponsor of Security Council resolution 2270 (2016) and favours its quick implementation.

The implementation of United Nations sanctions is an autonomous competence of Aruba, Curaçao, Sint Maarten and the Netherlands, although the Kingdom of the Netherlands remains accountable under international law. Only the Netherlands is a member of the European Union.

Member States of the European Union implement the provisions of Security Council resolutions that fall within the scope of the competence of the European Union via the relevant European regulatory acts, comprising regulations, decisions and common positions of the Council of the European Union. The Netherlands and the other State members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea (DPRK) imposed by the Security Council under resolutions 2094 (2013) and 2270 (2016). Council Decision (CFSP) 2016/476 and Council Regulation (EU) 2016/682 transposing resolution 2270 (2016) into European Union law entered into force on 2 April 2016 and 4 May 2016, respectively. Council Decision 2013/183/CFSP transposing Security Council resolution 2094 (2013) was thus amended by Council Decision (CFSP) 2016/476 and Council Regulation (EU) 2016/682 according to the standards set out in Security Council resolution 2270 (2016) by taking the following common measures:

Council Decision (CFSP) 2016/476 of 31 March[a]

Council Decision (CFSP) 2016/476 sets out the European Union commitment to the implementation of all the measures contained in Security Council resolution 2270 (2016), and provides the basis for accompanying measures specific to the European Union within the scope of the resolution, notably:

- Designation of additional persons and entities (travel ban and asset freeze).
- Extension of export and import prohibitions to any item (except food or medicine) that could contribute to the development of the operational capabilities of the DPRK armed forces.
- Requirement to expel DPRK diplomats engaged in illicit activities: targets DPRK diplomats working on behalf or at the behest of a designated individual or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions, including exemptions.
- Requirement to expel foreign nationals involved in illicit activities: targets foreign nationals working on behalf or at the behest of a designated individual

[a] *Official Journal of the European Union*, L 85, 1.4.2016, pp. 38-46.

or entity, or of an individual or entity assisting in the evasion of sanctions or violating the provisions of Security Council resolutions.

- Requirement to close offices of designated entities and expel representatives: member States shall close the representative offices of designated entities and prohibit such entities, as well as individuals or entities acting for them or on their behalf, from participating in joint venture or any other business arrangements.
- Ban on specialized training, including teaching or training in specific fields.
- Requirement to inspect DPRK cargo within or transiting through free trade zones or cargo that is being transported on DPRK-flagged aircraft or maritime vessels. In addition, the obligation to inspect is irrespective of any reasonable grounds to suspect that the cargo contains prohibited items.
- Requirement to ban DPRK chartering of vessels or aircraft and deregister vessels, including a prohibition to provide crew services.
- Requirement to prohibit nationals from operating DPRK vessels or using the DPRK flag.
- Ban on flights of any airplane suspected of carrying contraband, with the exception of landing for inspection.
- Prohibition of entry into ports of any vessel controlled by a designated entity or suspected of engaging in illicit activity.
- Export ban on any item that could contribute to DPRK nuclear or ballistic programmes or other weapons of mass destruction programmes.
- Ban on export from the DPRK of specified minerals like coal, iron, iron ore, gold, titanium ore, vanadium ore and rare earth minerals.
- Ban on aviation fuel exports to the DPRK like aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel.
- Asset freeze on Government entities or those of the Worker's Party of Korea associated with illegal programmes or on individuals or entities acting on their behalf.
- Prohibition on the opening and operation of new branches, subsidiaries and representative offices of DPRK banks.
- Obligation to close existing branches, subsidiaries or representative offices of DPRK banks within 90 days.
- Obligation to close existing representative offices, subsidiaries or banking accounts in the DPRK within 90 days.
- Extension of the prohibition on providing financial support for trade with the DPRK and covering private financial support for trade if such financial support could contribute to illicit activities of the DPRK.

Furthermore, on 19 May 2016, the Council decided to impose travel restrictions and an asset freeze against 18 additional individuals and one entity, bringing the total number of autonomous European Union designations to 38 persons and 10 entities. The United Nations currently lists 28 individuals and

32 entities. Together with the United Nations listings, the European Union list contains, in total, 66 persons and 42 entities. On 27 May 2016, the Council adopted Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP and Regulation (EU) 2016/841 concerning restrictive measures against the Democratic People's Republic of Korea. Both acts entered into force on 29 May 2016 and provide for a further expansion of the European Union's own restrictive measures targeting DPRK nuclear weapons of mass destruction and ballistic missile programmes, alongside the provisions of Security Council resolution 2270 (2016).

These regulations set out the European Union commitment to the implementation of all the measures contained in Security Council resolutions 2094 (2013) and 2270 (2016) and provide the basis for implementing measures specific to the European Union within the scope of the resolutions.

As soon as the European regulations were adopted, the Netherlands Minister for Foreign Affairs, in cooperation with the other ministers concerned, laid down the necessary national provisions in secondary legislation, within the framework of the Sanctions Act 1977. Pending the adoption of the European Union regulation and, subsequently, national secondary legislation, the Netherlands implemented its obligations under the Security Council through its existing national legislation and instruments, namely, border patrol, visas and import/export licences.

The national provision is adapted to the latest European Union regulation. This adaptation is currently under consultation with the other ministers concerned.